

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA VIDAL,
ANTONIO ALARCÓN, ELIANA FERNANDEZ,
CARLOS VARGAS, CAROLINA FUNG FENG,
M.B.F., by her next friend LUCIA FELIZ,
XIMENA ZAMORA, SONIA MOLINA
and JOHANA LARIOS SAINZ,

Case No. 1:16-cv-04756 (NGG)(VMS)

April 25, 2022

On behalf of themselves and all other
similarly situated individuals,

and MAKE THE ROAD NEW YORK,

On behalf of itself, its members, and its
clients,

Plaintiffs,

v.

ALEJANDRO MAYORKAS, in his official
capacity as Secretary of Homeland Security,
et al.,

Defendants.

NOTICE OF PLAINTIFFS' MOTION FOR MODIFICATION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Modification, dated April 25, 2022 and Declaration of Muneer Ahmad, dated April 25, 2022, with accompanying exhibits, Plaintiffs Martín Jonathan Batalla Vidal, Antonio Alarcón, Eliana Fernandez, Carlos Vargas, Carolina Fung Feng, M.B.F., Ximena Zamora, Sonia Molina, and Johana Larios Sainz, and Make the Road New York, on behalf of the members of the certified nationwide *Batalla Vidal* class (collectively "Plaintiffs"), move this Court, before

the Honorable Nicholas G. Garaufis, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn New York, 11201, to modify, or in the alternative to clarify, this Court's prior order and issue the requested relief as appropriate.

PLEASE TAKE FURTHER NOTICE that Plaintiffs' reply papers will be served by June 6, 2022.

Dated: April 25, 2022

Respectfully submitted,

/s/ Muneer I. Ahmad

Aaron Bryce Lee, Law Student Intern
Kevin Cheng, Law Student Intern
Daniel Ocampo, Law Student Intern
Aasha Shaik, Law Student Intern
Medha Swaminathan, Law Student Intern
Muneer I. Ahmad, Esq. (MA 9360)
Marisol Orihuela, Esq. (*pro hac vice*)
Michael J. Wishnie, Esq. (MW 1952)
JEROME N. FRANK LEGAL SERVICES ORG.
P.O. Box 209090
New Haven, CT 06520
(203) 432-4800

Karen C. Tumlin, Esq. (*pro hac vice*)
Cooperating Attorney
JEROME N. FRANK LEGAL SERVICES ORG.
New Haven, CT 06520
(323) 316-0944

Araceli Martínez-Olguín, Esq. (AM 2927)
Jessica R. Hanson, Esq. (*pro hac vice*)
NATIONAL IMMIGRATION LAW CENTER
3450 Wilshire Blvd. #108-62
Los Angeles, CA 90010
(213) 639-3900

Paige Austin, Esq. (PA 9075)
MAKE THE ROAD NEW YORK
301 Grove Street
Brooklyn, NY 11237
(718) 418-7690

Jessica Young, Esq.
MAKE THE ROAD NEW YORK
9210 Roosevelt Avenue
Jackson Heights, NY 11372
(917) 821-0292

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2022, a true and correct copy of the foregoing Notice of Plaintiffs' Motion for Modification, as well as Plaintiffs' Memorandum of Law in Support of Motion for Modification and Declaration of Muneer Ahmad were served electronically by e-mail to counsel for Defendants at the following email addresses:

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
brian.boynton@usdoj.gov

BRAD P. ROSENBERG
Assistant Branch Director
brad.rosenberg@usdoj.gov

STEPHEN M. PEZZI
Senior Trial Counsel
stephen.pezzi@usdoj.gov

CORMAC A. EARLY
Trial Attorney
cormac.a.early@usdog.gov

United States Department of Justice
Civil Division, Federal Programs Branch 1100 L Street NW
Washington, DC 20005
Phone: (202) 305-8576

JOSEPH A. MARUTOLLO
Assistant U.S. Attorney
joseph.marutollo@usdoj.gov

United States Attorney's Office Eastern District of New York
271-A Cadman Plaza East, 7th Floor Brooklyn, NY 11201
Phone: (718) 254-6288
Fax: (718) 254-7489

/s/ Muneer I. Ahmad
Muneer I. Ahmad, Esq. (MA 9360)
JEROME N. FRANK LEGAL SERVICES ORG.
muneer.ahmad@yale.edu
P.O. Box 209090
New Haven, CT 06520
(203) 432-4800